

EXHIBIT A

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Esther Degollado
District Clerk
Webb District
Dyana Cuellar
2021CVA001651D2

NO. 2021CVA001651D2

NATALIA GOMEZ	§	IN THE DISTRICT COURT
	§	
	§	
VS.	§	_____ JUDICIAL DISTRICT
	§	
	§	
RHODES EXPRESS, LLC,	§	
AND COREY MANTEK RHODES	§	WEBB COUNTY, TEXAS

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES, **NATALIA GOMEZ**, hereinafter referred to as Plaintiff, complaining of **RHODES EXPRESS, LLC**, and **COREY MANTEK RHODES**, hereinafter referred to as Defendants, and for cause of action would respectfully show unto the Court and Jury the following:

1.

1.1 Plaintiff affirmatively pleads that she seeks monetary relief of over \$1,000,000.00 and unless the Court orders a discovery control plan pursuant to Rule 190.4, TEX. R. CIV. PROC., this case is subject to the Level 3 limitations of Rule 190.3, TEX. R. CIV. PROC.

2.

2.1 Plaintiff **NATALIA GOMEZ** is a resident of Laredo, Webb County, Texas.

2.2 Defendant **RHODES EXPRESS, LLC**, is a foreign corporation duly formed under the laws of Mississippi. Defendant sought and received authority to operate a commercial motor vehicle on the roadways of the State of Texas and was duly authorized

to do business in the State of Texas. Service of Process on this Defendant may be had by serving its Registered Agent for Service of Process, **Mr. Jeffrey Fultz, 1221 McKinney, Suite 4300, Houston, Texas 77010.**

2.3 Defendant **COREY MANTEK RHODES** (hereinafter referred to as Defendant **RHODES**) is a resident of Simpson County, Mississippi. This Defendant may be served with process in accordance with §17.062(a), of the Texas Civil Practice and Remedies Code by serving a copy of the summons and complaint by certified mail, return receipt requested, to the Chairman of the Texas Transportation Commission, Mr. J. Bruce Bugg, Jr., at the Texas Department of Transportation, 125 E. 11th Street, Austin, Texas 78701, who will in turn forward a copy of the summons and complaint by certified or registered mail, return receipt requested, to Defendant **COREY MANTEK RHODES'** foreign residence, 115 Rhodes Drive, Mendenhall, Mississippi 39114.

3.

VENUE FACTS

3.1 Venue is proper in Webb County, Texas, pursuant to §15.002 of the Texas Civil Practice and Remedies Code, because all or a substantial part of the events or omissions giving rise to the Plaintiff's claim occurred in Webb County, Texas.

4.

4.1 Plaintiff, **NATALIA GOMEZ**, brings this action to recover damages for bodily injuries she sustained in a motor vehicle accident which occurred on January 04, 2020, in Laredo, Webb County, Texas.

5.

5.1 On or about January 04, 2020, in Laredo, Webb County Texas, Plaintiff **NATALIA GOMEZ** was driving a 2020 blue Honda Civic and she was prudently traveling northbound on the inside, travel straight only, lane of the 15100th block of FM 1472 Road. Defendant **RHODES** was operating a 2007 Freightliner tractor-truck, towing a Transcraft flatbed trailer, during the course and scope of his employment with Defendant **RHODES EXPRESS, LLC**, and was also traveling northbound on the inside, left-turn only lane of the 15100th block of FM 1472 Road, to the left of Plaintiff's vehicle.

On said date, as Plaintiff was prudently traveling northbound on the inside, travel straight only, lane of the 15100th block of FM 1472 Road when Defendant **RHODES** suddenly and unexpectedly turned right and violently struck the Plaintiff's vehicle on the driver's side. Plaintiff would show that the collision was proximately caused by the negligence of the Defendants thereby causing Plaintiff's injuries and damages enumerated below.

6.

6.1 At the time of the collision described above, Defendant **RHODES** was the agent, servant, and/or employee of Defendant **RHODES EXPRESS, LLC**, and was acting within the course and scope of his employment as agent, servant and/or employee of Defendant, **RHODES EXPRESS, LLC**. Defendant **RHODES** was operating the 2007 Freightliner tractor-trailer combination on the public streets and highways of Texas in furtherance of Defendant, **RHODES EXPRESS, LLC'S** business as well as with the knowledge, and consent of Defendant, **RHODES EXPRESS, LLC**. Therefore,

Defendant, **RHODES EXPRESS, LLC**, is liable under the doctrine of Respondeat Superior.

7.

7.1 In the alternative, Plaintiff would show that Defendant **RHODES** had expressed or implied consent to drive the 2007 Freightliner tractor-trailer combination in question and received direction from Defendant **RHODES EXPRESS, LLC**. That Defendant **RHODES EXPRESS, LLC**, was negligent in entrusting the 2007 Freightliner tractor-trailer combination to Defendant **RHODES** when they knew or should have known that Defendant **RHODES** was a reckless and incompetent driver. Further, such negligence of Defendant **RHODES EXPRESS, LLC**, was a proximate cause of the accident and damages suffered by the Plaintiff.

8.

NEGLIGENT HIRING, TRAINING, SUPERVISION AND RETENTION

8.1 Alternatively, Plaintiff would show that on the occasion in question and at all relevant times, Defendant **RHODES EXPRESS, LLC**, was negligent in various acts and omissions, including, but not limited to the following:

- a. Failing to properly investigate the driving competence of **COREY MANTEK RHODES** before putting him behind the wheel of its company vehicle;
- b. Failing to properly investigate the driving history of **COREY MANTEK RHODES**;
- c. Failing to properly investigate the background of **COREY MANTEK RHODES** as it may relate to Defendant's competence and suitability as a driver;

- d. Failing to properly train **COREY MANTEK RHODES** in the safe operation of the 2020 International tractor-truck on the public streets of the State of Texas;
- e. Failing to properly supervise **COREY MANTEK RHODES** to assure that he was safely operating the company vehicle on the public streets and highways of the State of Texas; and
- f. Employing inadequate driver retention policies.

8.2 Plaintiff would show that each of the foregoing acts and/or omissions was a separate and distinct act of negligence, and each was a direct and proximate cause of the injuries and damages suffered by the Plaintiff as described herein below.

9.

9.1 The occurrence made the basis of this lawsuit and the Plaintiff's resulting injuries and damages were proximately caused by the negligence and negligence per se of Defendant **RHODES** in one or more of the following respects:

- a. In failing to keep a proper lookout for other traffic as a reasonable and prudent person would have done under the same or similar circumstances;
- b. In failing to safely operate the 2007 Freightliner tractor-trailer combination he was driving while in the course and scope of his employment as a reasonable and prudent person would have done under the same or similar circumstances;
- c. In failing to take proper evasive action to avoid the collision with Plaintiff's vehicle;
- d. In failing to maintain proper control of the 2007 Freightliner tractor-trailer combination he was operating as a reasonable and prudent person would have done under the same or similar circumstances;
- e. In failing to timely apply the brakes to the 2007 Freightliner tractor-trailer combination he was operating in order to avoid the collision in question;
- f. In failing to control the speed of the 2007 Freightliner tractor-trailer combination he was operating as a reasonable and prudent person would

have done;

- g. In operating the 2007 Freightliner tractor-trailer combination in a distracted manner;
- h. In failing to operate the 2007 Freightliner tractor-trailer combination as nearly as practical entirely within a single lane and in moving from his lane of travel when it was unsafe to do so, in violation of Texas Transportation Code §545.060; and,
- i. In driving the 2007 Freightliner tractor-trailer combination in a willful and wanton disregard for the safety of persons or property in violation of Texas Transportation Code §545.401.

9.2 Plaintiff would show that each of the foregoing acts and/or omissions was a separate and distinct act of negligence, and each was a direct and proximate cause of the injuries and damages suffered by the Plaintiff as described herein below.

10.

10.1 Plaintiff **NATALIA GOMEZ** would show that as a result of the negligence of the Defendants, she suffered bodily injuries to her neck, back, left knee and left ankle. As a further result, she has suffered physical pain, mental anguish, and physical impairment in the past and in all reasonable probability she will continue to so suffer in the future. Plaintiff **NATALIA GOMEZ**, has incurred reasonable and necessary medical expenses for the proper treatment of her injuries in the past and in all reasonable probability will continue to incur reasonable and necessary medical expenses for further treatment in the future. Plaintiff has also suffered a loss of wage-earning capacity in the past and in all reasonable probability will suffer a loss of wage-earning capacity in the future. These damages are within the jurisdictional limits of the Court.

11.

11.1 Plaintiff further alleges that she is entitled to recover prejudgment and post-judgment interest at the legal rate as provided by Section 304.001 et. seq. of the V.T.C.A., Finance Code.

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that Defendants be served with citation and required to appear and answer this petition, that upon final hearing hereof Plaintiff has judgment against Defendants, for Plaintiff's damages as alleged herein, together with prejudgment and post-judgment interest at the legal rate as provided by law; for costs of court and for such other and further relief, both general and special, at law and in equity, to which Plaintiff may be justly entitled.

Respectfully submitted,

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By: /s/ Rolando Salinas

ROLANDO SALINAS

State Bar No. 24075002

ATTORNEYS FOR PLAINTIFF

DEMAND FOR JURY

NOW COMES, **NATALIA GOMEZ**, Plaintiff in the above-entitled and numbered
cause and respectfully requests a trial by jury.

/s/ Rolando Salinas

ROLANDO SALINAS